

### REMARKS

After entry of the subject Amendment, claims 1-16 will remain pending in the application with claims 1 and 9 being in independent form. Claims 1 and 6-7 have been amended and claims 8-16 have been added. Claims 2-5 are unchanged.

Claims 6-7 are objected to as being of improper form. These claims have been amended to remove any multiple dependency such that this objection is believed overcome. These claims have also been amended for consistency and clarity. Claims 6-7 are now in proper form for examination.

Claims 1-2 and 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,992,510 to Kallrot. Claims 3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kallrot in view of U.S. Patent No. 5,307,869 to Blomgren.

Applicant has amended claim 1 for clarity and to set forth the unique and non-obvious structure of the plate elements. In particular, Applicant has amended claim 1 to now set forth first and second plate elements with *only* the first plate element having both mounting through-holes disposed outside of the recesses of the plates and at least one medium through-hole. The mounting through-holes are designed to accept assembly elements such that the entire package can be assembled to the system.

The Examiner correctly focuses on the heat exchanger disclosed in Figures 4-8 of Kallrot as being the most relevant to the subject invention. This heat exchanger, however, does not disclose, teach, or suggest of mounting through-holes *only* disposed in one of the outer plates for assembly of the package by assembly elements. Kallrot discloses 'mounting' through-holes in *both* of the outer plates for a clamping element, which is used to secure all of the plates together. The clamping element of the subject invention, as claimed in claims 3, 5, 7, and 8, does *not* engage the mounting through-holes.

Therefore, Applicant contends that claim 1, as amended, overcomes the current anticipatory rejections based on Kallrot such that claim 1 is in condition for allowance. Claims 2-8 are also in condition for allowance as these claims depend from the unique features of claim 1.

Turning to newly added independent claim 9, this claim is a combination of previous independent claim 1 and previous dependent claim 2 with further clarifying language. In particular, claim 9 sets forth the plate elements, the mounting through-holes and the medium through hole with at least one clamping element at each short end. The clamping element engages both the first and second plate elements *outside of the mounting through-holes* for effectively acting between the plate elements and being at least partially enclosed by the package to produce a symmetrical clamping force. This unique and non-obvious structure is not found in the prior art of record, including Kallrot and Blomgren, either alone or in combination. As stated above, Kallrot requires the clamping element to engage the 'mounting' through-holes.

Accordingly, claim 9 is believed to be in condition for allowance. Claims 10-16 are also in condition for allowance as these claims depend from the unique and non-obvious features of claim 9.

Applicant's attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance. If any additional fees are necessary to respond to the outstanding Office Action, you are hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

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Date

/David M. LaPrairie/  
David M. LaPrairie Registration No. 46,295  
The Pinchurst Office Center, Suite 101  
39400 Woodward Avenue  
Bloomfield Hills, MI 48304-5151  
(248) 723-0425